THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.12142 of 1996

ORAL ORDER:

This writ petition is filed seeking a Mandamus directing the respondents to absorb the petitioners on permanent basis simultaneously on par with other candidates sponsored by the Unions.

It appears, petitioners are working under first respondent Company. They were employed during the year 1992 with the second respondent and they have been continuously working in service without any break. Further, the petitioners belong to Scheduled Caste and Scheduled Tribe community and working under a private contractor performing the duties of Night Watchman/Helpers in the building department as per the directions and under supervision of the respondents. While so, the Government of A.P. vide G.O.Ms.No.29 dated 14.2.1990 given permission to the first respondent to initiate action to absorb all the contract labourer engaged through Contractors in regular suitable posts without the media of employment exchange. The said G.O. specifically confined to the Singareni Collieries Company contract workers engaged in perennial and permanent nature of job. Based on the said G.O., the first respondent entered into a settlement with five labour unions under Section 12(3) of the Industrial Disputes Act on 12.3.1990. Para 4 of the said settlement reads as follows:

> "In pursuance to Government of A.P. Order G.O.No.29 dated 14.2.1990 the management agrees to consider absorption of contract labour of jobs and identification of workers working in various departments, vacancies and modalities will be worked out by a committee consisting of representatives of management and all the five unions keeping in view of the earlier settlement. This exercise will be completed before 1st

May, 1990".

As per the said settlement, a committee was constituted for the purpose of absorption of daily wage employees who are working continuously. The said Committee submitted its report on 12.8.1990. The committee identified 1800 perennial nature of jobs. In the said report, the committee considered the persons who were working at least one year as contract labour and discontinued persons were also considered. To avail the benefits under the settlement dated 12.3.1990, several writ petitions were filed and this Court by order dated 12.11.1990 held that individual workers who satisfy the committee recommendations will be entitled to be considered for absorption. Along with other casual labour, all the petitioners made an application to the third respondent for regularization of their services. The third respondent wrote a letter to the second respondent stating that the petitioners were working on miscellaneous works in building department and their names were included in the list of 70 casual labour given by the Deputy Engineer (Civil) Ramagundam-I to the interview committee on 28.5.1990. But, the first respondent without absorbing the petitioners as per the directions of this Court, taking steps to absorb outside candidates even without satisfying the minimum requirement of the agreement. Hence this writ petition.

This Court, while admitting the writ petition, passed interim order on 26.6.1996 directing the respondents to continue the petitioners in service without being replaced by fresh candidates, until further orders. The said interim order is still in force.

It is asserted by the petitioners that their names were included in the 70 names as per the recommendations of the third respondent. Further it is also asserted that other persons who are similarly situated and even juniors to them have been absorbed by the respondents.

In view of the above, the respondents are directed to consider the cases of the petitioners for regularization as per G.O.Ms.No.29 dated 14.2.1990 and as per the settlement entered into between the management and the workers under Section 12(3) of the I.D. Act dated 12.3.1990 as on the date of other similarly placed persons and also juniors if any appointed and regularized for considering the regularization of petitioners in the organisation. Till such time, the petitioners shall be continued on the same terms and conditions as are being continued as on the date of interim orders of this Court dated 26.6.1996.

The writ petition is accordingly disposed of. No order as to costs.

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C.V.RAMULU,
J

Date: 21.11.2006

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THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.12142 of 1996

21.11.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.12142 of 1996

Date: 21st November, 2006

Between:

G.Rayamallu and others.

Petitioners

And

Singareni Collieries Company Ltd.,
represented by its Managing Director,
Kothagudem, Khammam district & others.

.. Respondents